

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 3, 2005. In order to advance prosecution of the Application, Claims 1, 2, 5, 6-16, and 19-28 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

The Abstract stands objected to for improper language and format. The Abstract has been amended to provide proper language and format. For the convenience of the Examiner, attached herewith is a replacement page showing a clean version of the amended Abstract.

Claims 1-5 and 15-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bux, et al. Applicant respectfully traverses this rejection.

With respect to Independent Claims 1, 2, 15, and 16, there is recited in general the ability to transmit or receive data in different packet formats where the different packet formats separately transmit signaling data, synchronous data, and asynchronous data. By contrast, the Bux, et al. patent merely discloses transmission of signaling, voice, and asynchronous data using a same basic frame format. Thus, the Bux, et al. patent does not use different packet formats to separately transmit or receive signaling data, synchronous data, and asynchronous data as provided by the claimed invention. Support for the above recitation can be found at page 12, lines 4-10, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1, 2, 15, and 16 are not anticipated by the Bux, et al. patent.

With respect to Independent Claims 3 and 17, there is provided an ability to transmit a Frame Synchronization Packet, synchronous data, and asynchronous data within a Frame Cycle. By contrast, the Bux, et al. patent merely shows the

transmission of a voice packet within a voice cycle initiated at fixed intervals. Asynchronous data is transmitted separately from the voice packet and only between the voice cycle fixed intervals. Moreover, there is no Frame Synchronization Packet being transmitted associated with the voice packet. Thus, the Bux, et al. patent fails to provide for the transmission of a Frame Synchronization Packet, synchronous data, and asynchronous data all within a Frame Cycle as required in the claimed invention. Therefore, Applicant respectfully submits that Claims 3-5 and 17-19 are not anticipated by the Bux, et al. patent.

Claims 6-14 and 20-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jurkevich, et al. in view of Ikeda. Independent Claims 6 and 20 recite in general the assignment of a Maximum Over-Subscription Bandwidth to each node on a communication ring based on an amount of Over-Subscription Bandwidth associated with the communication ring and shared by the nodes on the communication ring. The Over-Subscription bandwidth is separate from the Subscription Bandwidth guaranteed for each node on the communication ring. An Access Bandwidth indicating an actual Maximum Over-Subscription Bandwidth for a particular node at a particular time is adjusted based on congestion indicators. By contrast, the Jurkevich, et al. patent discloses a bandwidth seizing technique where a bandwidth allocation is taken away from one component type and redistributed to another component type. The Jurkevich, et al. patent does not provide a correlation of Subscription Bandwidth, Over-subscription Bandwidth, Maximum Over-Subscription Bandwidth, and Access Bandwidth at a particular time as provided in the claimed invention. Moreover, the Ikeda patent merely provides a notification of a maximum bandwidth needed for a burst transmission of data and

no setting and adjusting of an Access Bandwidth assigned to a particular node as required by the claimed invention. Support for the above recitation can be found at page 9, line 29, to page 10, line 29, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 6-14 and 20-28 are patentably distinct from the proposed Jurkevich, et al. - Ikeda combination.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

No additional fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees and/or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Charles S. Fish", is written over the printed name.

Charles S. Fish

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